G.R.S. IX—5]

Previous references.
Mucg. 265-21-5820

(192 .)

File No. 265-21
Serial Nos. 25 & 26

Later references.
Mucg. 265-21-2728.
" 33-B7
194-30-1-b

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for December 1923.

SUBJECT

Plaint filed in the Sub-judge's court, South Canara for the better management of Śrī Subrahmanya Swāmi' temple at Subrahmanya, South Canara

No. 820 dated 12.12.23 To the Dy. Comr. Hassan
Asst. Mucg. Comr.

The matter may be kept in view and ~~take~~ timely action taken to give effect to the suggestions of the Collector in communication with him.

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING.

Scheme suit for the better management of the Sri Subrahmanya Swami Temple, Uppinangadi Taluk

From Karnataka Govt. D.O. letter No. RD 284 21 Dg 6.11.23 to the Secretary Member Board.

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

From O. [illegible] Office of the Deputy Commissioner,

Kurnool District,

Dated Kurnool, the 3rd November 1925.

Mur D. 585

Mur. 265-21-25.

Dear Sir,

I have enclosed herewith for your information, a copy of the plaint filed in the Court of the Subordinate Judge of South Canara for the better management of the Sri Subrahmanya temple at Subrahmanya in South Canara, and also a copy of my letter to the Kurnool Commissioner in this connection.

With kind regards,

Yours sincerely,

K. Krishnarao

To

The Hon'ble Sreenivasa Iyengar, M.A., B.L.,

Member of Council,

Madras.

1) The reason why the Kurnool commissioner may be awarded

2) our any interest in the Subramanya Swami in lieu of the Swami's decision in favour of the plaintiffs as a Board of Trustees in appointing the Court as prayed for by the Pl., the reason for should be observed & removable one of the Trustee, in view of the large endowments made of them in the temple.

3) What of the action to be taken for the purpose — whether an application of the mode to the Court by Govt or on its behalf., to appoint others Trustees of the said temple in consultation with the heirs of the Late Sri Subramanya Swami (Revised)

Revised and completed

256.
12.11.23.

D.5 Bb

4) M. erwies Hr Prof. Brandenburg
als Empfehlung
Rev.-Secy) ~~D 13.1.05~~ Mr. empfiehlt die
Aufnahme.
D 15.1.05

5) Einmal Hr Secy, Local & Reference
D 15.1.05. U/15/1 Pm

Secy, L & L Dept)

To.

Office of the Deput. Commissioner,
Hassan District,
Dated Hassan, the 8th November 1

From

[illegible]
Deputy Commissioner, Hassan District.

To

K. Chandy, Esq., B.A.,
Inspector in Mysore,
Bangalore.

Sir,

In connection with my [illegible] dated the 8th May last, forwarding copy of the letter [illegible] of the Collector of South Canara, according sanction to the institution of a Scheme suit for the proper [illegible] ment of Sri Subrahmanya temple in South Canara, I now have the honor to forward herewith, copy of the plaint filed in the Court of the Sub Judge in South Canara, [illegible] Srinivasa Rao, the [illegible] Sub Judge.

In this connection, I would like to invite your attention to the Inspection Notes of Mr. Jayarama Iyer, [illegible] Personal Assistant. Both Mr. [illegible] I. [illegible] have [illegible] and [illegible] [illegible] [illegible]

without the management be a subordinate official like him and make him responsible to us while the leading strings are left in the hands of the manager./ does not commend itself to me, as it seems to be unworkable. We would, by this arrangement, be making the manager, liable to account to his own subordinate and in a way placing the Manager under his subordinate, and this the Manager resents. Our looking at the temple is carried on entirely with the help of the Temple servants. It is they that cook the food and serve it. It would be difficult to conduct the feeding without their co-operation and that means, the co-operation of the manager. It seems to me that as long as the management of the Temple vests, as at present, in a Manager, we should try to bring him round and have our affairs conducted through him. If he and the trustees are unreasonable and do not give us satisfaction, our next step should be to withdraw our charities till arrangements satisfactory to us are made.

Now that a Scheme suit is presented before the Sub Judge of South Canara, I consider it well to await its result. The Collector, has, in the last para of his order dated 9th April 1925, granting sanction to file a suit, stated that one or more representatives of the Mysore Government should be taken on the Committee of management. This should be pressed in due time in the Court of the Subordinate Judge. How it is to be done if the Court should lose sight of the Collector's suggestion, is a matter for consideration. Our Karnathagar, Srinivasa Rao is no party to the suit.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/ P. Nylar Rao,

DEPUTY COMMISSIONER,
HASSAN DISTRICT.

M.V.P. "C O P Y"

Deputy Commissioner
Hassan District.

IN THE COURT OF THE SUBORDINATE JUDGE OF SOUTH KANARA.

ORIGINAL SUIT NO. of 1937.

Between:

1. Srinivasa Bhatta.
2. Seetharama Bhatta.
3. Yadavendra Acharya.
4. Srinivasiah. — Plaintiffs.

And

1. Anantha Ramappaiya
2. Perji Krishna Bhatta
3. Ramanna Sagrithaya
4. Kukkala Ananthabhatta
5. Vishnu Sampigethaya
6. Subraya "
7. Shyama "
8. Rama " — Defendants.

Plaint under Section 96, Order VII, Rule 1 to 7 of C.P.C.

Plaintiffs state as follows:-

1. 1st Plaintiff is the son of [illegible] Bhatta and is residing at Morulia village; 2nd plaintiff is the son of Subraya Bhatta residing at Lapu village; 3rd plaintiff is the son of Narasimha Acharya Kaldo village; and the 4th plaintiff is the son of [illegible]krishnaiah and is residing at Kodiala village of Uppinangadi Taluk. Their address for services of all processes and notices is as above

II

II. 1st defendant is the son of [illegible] residing at Subrahmanya village; 2nd defendant is the son of Sampigethaya [illegible], residing at Kukke-[illegible]; 3rd defendant is the son of [illegible] Sampigethaya residing at Subrahmanya village; 4th defendant is the son of [illegible] Sampigethaya residing at Subrahmanya village; defendants 5 to 8 are the brothers and sisters of Sampigethaya residing in Subrahmanya village. All the villages are in Uppinangadi Taluk.

III. 1. In the village of Subrahmanya in Uppinangadi Taluk there is a rich and ancient temple of Kukke Sri Subrahmanya Devaru endowed by the British as well as Mysore Governments and possessing considerable immoveable property and getting ample Kanikas in shape of offerings of money, silver, gold and other articles. The income from various the several sources comes to not less than Rs. 80,000/- per year. Besides those, the institution possesses silver and gold articles and other valuables described in Schedule C and [illegible] immoveable properties described in Schedules A and B.

3. People from all parts of [illegible] India come in thousands during the Shasthi festival and the retiring of [illegible] also come in very large number. The [illegible] Government [illegible] people, [illegible] people and [illegible] from the native [illegible] large concession [illegible] all parts of [illegible] a huge [illegible]

[illegible]

the

the Committee Members. He has no doubt two co-members recently appointed. But they also happen to be his (1st defendant's) relations and they appear to have gone through a farce of ~~checking~~ checking the Temple accounts maintained by the 1st defendant. This checking of the accounts was neither bonafide nor real. If the accounts are got produced and properly checked, the whole fraud will be revealed. Of the several acts of misfeasance, malfeasance, non-feasance and misappropriations by the 1st defendant with the help of the Committee Members, a few are detailed herein below:-

(a) A large and unreasonable amount alleged to have been spent by the 1st defendant in connection with the application for the sanction brought by Subraya Hebbara and others has been credited by him to the Temple accounts.

(b) A large portion of the temple property paying an assessment of R. 354-0-0 and described in Schedule B, in Machina and Parenki villages had been misappropriated by the previous Manager (Elder brother of the present Manager the 1st defendant) by creating a Binami Vide Geni lease for an abnormally long period of 60 years for a very low rental in favour of his father-in-law Srinivasa Sampigethaya. The 1st defendant continues the misappropriation through his brother-in-law and has not taken ~~any~~ any steps to have the lease set aside.

(c) Valuable rubies and a large quantity of gold purchased by the former Manager was in the Ugrana

or

or Sooro Apom of the Temple. But the defendants 1 to 4 all joined together and an inventory prepared of the articles found in the Sreana purposely omitted to show the rubies and the gold with a view to misappropriate the same.

(d) Two elephants were caught by the late Manager for the temple and these died after some time. The tusks of these weighing more than 8 maunds were not at all entered in the accounts and have been misappropriated by the Manager.

(e) Silver weighing about 30 maunds was also omitted from the inventory prepared by the Temple Committee with a view to misappropriate the whole lot. But when a petition was filed for sanction (referred to in sub para 3 (a)), the committee prepared a second inventory and in this also the full quantity was not shewn.

(f) A good big clock, a silver watch, a sword with a silver handle has similarly been omitted and misappropriated by the defendants.

(g) A large quantity of sandal wood was received from the votaries. But this was not shewn correctly in the accounts and a large portion was misappropriated by the defendants.

(h) A large quantity of gold was taken out of the Temple funds for the gold smith to be put [illegible] has been made with a considerably less quantity of gold and the balance has been misappropriated by the 1st defendant.

(i)

(i) The custom up to this time was that cover boxes (or Dubois as they are called) in which articles but that money offerings were to be kept locked and sealed and the offering put in through a slit on the lid. These boxes are to be opened only in the presence of the public (some respectable persons) and the contents counted and noted in the accounts. But the 1st defendant has begun to go against this custom. During the last Shashti festival, open vessels were kept for the purpose, and the contents removed secretly and without the knowledge of any one and thus large amounts are misappropriated by the 1st defendant.

(j) A horse was presented to the temple in 1951 and this horse instead of being kept at Subramanya where its cost of feeding would have been practically negligible, is kept at Puttur or Mangalore and large amounts taken out of the temple funds on the allegation of feeding it.

(k) The expenses of the "Brahmana Sambhavana" (feeding of 12000 people) is met by the Mysore Government during the Shashti festival and though large amounts are received by the 1st defendant for the said purpose, the 1st defendant, [illegible] makes for himself out of this. [illegible] are not taken after proper [illegible] and inconvenience and the duty devolves on him to do also is not done properly. [illegible] that plaintiffs understand that the [illegible] intends stopping the feeding and has [illegible]

unless

[illegible] writers [illegible] institution. [illegible] of [illegible] institution.

(1) A sum [illegible] to the children of [illegible] amounts are lying [illegible] of the temple. This false [illegible] after year at an interest of [illegible].

4. The 1st defendant further [illegible] and true accounts of [illegible] the Institution. [illegible] are not being performed properly. [illegible] one, the "Karachi Social Welfare" [illegible] at all since the last three years. [illegible] writtis are called, [illegible] the institution [illegible] for the plaintiff [illegible] funds for the litigation will [illegible] which will [illegible] fendant and his family [illegible].

5. [illegible] scheme, [illegible] management and [illegible] be amount [illegible]

(a) [illegible] Ashanna one of the/three [illegible] in the [illegible] a declaration [illegible]

of

of this temple. But this defendant seems to have bribed the said Subraya Aswatha and the suit which was filed after so much trouble and which claims such a high position was allowed to be dismissed for the fault without the necessary process fees being deposited.

o

(b) One Subraya Hebbara and others had filed a petition before the Collector of South Canara for sanction to sue the defendants for reliefs almost similar to those prayed for herein, but the defendants got round these petitioners also and the petition was not pressed properly, nor was any proper inquiry held, and the petition was dismissed. This will be apparent from the fact that in this simple petition, the 1st defendant has taken out over Rs 1000/- for expenses as will be seen from the accounts. A considerable portion of this must have gone only to bribe the petitioners and other persons necessary to secure the desired result.

(c) On account of the 1st defendant's stubbornness in not allowing the usual Narasimha Jayanthi Utsava to be performed, the authorities of the Subrahmanya Matt had to file a suit against the 1st defendant as the Moktessor of the temple which litigation has caused much loss to the institution and the plaintiffs learn that it was recently decided against the institution by the District Munsiff of Puttur.

(d) The first defendant has recently started unnecessary quarrel with the Local Board authorities in connection with an a road leading to the temple and plaintiffs are given to understand that the first

defendant

6. Plaintiffs who are respectable Wargdars and who are worshippers and voteries at this temple under stand that the 1st defendant with the large temple funds (and his own property and out of the temple funds) at his command is tampering with the accounts maintained by him and it is necessary in the interests of the justice that he should be called upon to produce all accounts/ Books, immediately.

9. The 1st plaintiff is a Wargdar paying an assessment of R. 35/-; and 2nd plaintiff pays an assessment of R. 50/-; 3rd R. 300/- and the 4th plaintiff pays an assessment of R. 100/-. The plaintiffs before filing this suit applied to the Collector for the necessary sanction from him to proceed against the defendants. The Collector, after making an inquiry has granted the necessary sanction to the plaintiffs to file this suit.

IV. The cause of action for this suit arose on 1918 and 20-3-1923 and subsequently in Subrahmanya village of Uppinangadi Taluk within the jurisdiction of this Court.

V. For the purpose of the jurisdiction the reliefs/ claimed are valued at R. and at for Court Fees.

Therefore the plaintiffs pray that the decree and judgment against the defendants for the following reliefs:-

A. 1. for removing the 1st defendant from Dharmadeshi and Moktessorship of Public Sri Subrahmanya Temple at Subrahmanya.

2. for appointing new trustees.

3. for vesting in the new trustees all the temple properties movable and immovable shown in Schedule A, B and C and such others as may be found to belong to the temple.

4. for directing enquiries and taking accounts from the date of appointment of the 1st defendant as the Poltessor of the temple and ordering the balance in hands to be paid to such trustees or to be disposed of in such manner as the Court deems fit.

5. for settling a scheme for the future management of the Kukke Sri Subrahmanya Temple at Subrahmanya.

Relief A is valued at for the purposes of jurisdiction affixed Court fee 50/- is paid on this relief. - - - - 50/-.

B. Directing defendants 1 and 5 to 8 to deliver possession of B Scheduled properties to the trustee or trustees of the temple for the benefit of the institution free of objections of all or any of the defendants. This relief is valued at Rs.3411-11-0 for the purpose of jurisdiction and a Court fee of Rs.300-7-0 is paid, the relief being valued at ten times the assessment of the property = Rs.341-11-0 --- Rs.34-11-0

C. for costs of this suit with interest.

D. And for such other relief as the nature and circumstances of the case may require and the Court deems fit to grant.

" SD/- "

K. Ramakrishnaiah

Deputy Commissioner,
Hassan District.

G. R. S. III-21

General and Revenue Secretariat. | File No. 265 of 1921.

Serial No.

for the management of its affairs, the desired object of every person interested in the institution would be fulfilled. The Government of Mysore is only interes ed in seeing that the properties endowed to the temple are not misappropriated and used for the purpose intended and this object will be ~~defeated~~ achieved if the plaintiffs succeed in the suit.

4) However our manager there might be asked to watch the proceedings and see the plaintiffs mentioning the names of our representatives to be brought on the committee when the scheme is to be settled. If the plaintiffs fail to do this the Collector may be moved to instruct the plaintiffs to carry out his orders.

5) For these reasons I am of opinion that at present no action need be taken by the Government in the matter and that the Government might take proper action at the time of the settlement of the scheme.

441/19.11.23.

8/11

17/11

* Revenue Secretary with Mr Coombes

Yellappa Chetty) 17/11

7) I share the views of the Revenue Secretary and Mr Coombes for the reasons given by him and in addition for the reasons

19.11.23.

19/11

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat. | File No. 265 of 1924.

Serial No.

for the management of its affairs, the desired object of every person interested in the institution would be fulfilled. The Government of Mysore is only interested in seeing that the properties endowed to the temple are not misappropriated and used for the purpose intended and this object will be ~~attained~~ achieved if the plaintiffs succeed in the suit.

4) However our manager there might be asked to watch the proceedings and see the plaintiffs mentioning the names of our representatives to be brought on the committee when the scheme is to be settled. If the plaintiffs fail to do this the Collector may be moved to instruct the plaintiffs to carry out his orders.

5) For these reasons I am of opinion that at present no action need be taken by the Government in the matter and that the Government might take proper action at the time of the settlement of the scheme.

441
18.11.25.

8/11

* Revenue Secretary with Mr. Compliments.

Secretary (Mysore). 17/11

7) I draw the Judges of the Sessions Court with Mysore by name as members for discussion

19.11.25.

19/11

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 265 of 1921.

Serial No

v) After careful consideration of the matter it may perhaps be better to ask the Deputy Commissioner, Hassan, to correspond with the Collector requesting him to ask the plaintiffs to move the Court by an application to appoint one or two trustees nominated by the Mysore Government in case the scheme is to be sanctioned and trustees are to be appointed as instructed by the Collector. To-day the subject was fully discussed with the Second Member and has been agreed to by him.

630
24.11.23.

2nd Member

23/11

vi) A draft letter to the D.C. Hassan may be put up. Safeguards in the scheme such as are not in force in the scheme sanctioned for the Sankeshwara temple should be kept before the Subjudge & Sub Collector when they are concerned with that arrangement in that, in view of the large endowments of land made for the temple, one should be represented on the Board of management of the scheme and ~~the Board~~ should succeed, ~~that the D.C. may therefore write to the Collector~~ that from the D.C. Hassan that has been recognised right of the Collector in the matter of S. 20 Amendment Act, the D.C. Hassan should see that this matter is kept in view when

NOTE—Contn. sheet

G. R. S. III-2,

General and Revenue Secretariat. | File No. 265 of 1921

Serial No.

forming action is taken in respect of papers in Secretariat's collection. by us communication with him

2c
25/11

(10) Perhaps a draft on these lines

8A
1/12

(11) This relates to the Mazgaon Boards. Please send it on there for further treatment.

cas
3/12

AV
4/12

(12) Dist. Subdiv.

M 5-12-23 Sdg 5/12/23

(13) Dr appr..

5-12-23

Rev. Secy, Dr appr

129
6.12.23

II Member

6 12 23

(14) 2c

8/12

(15) Same

8 12 23

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 265 of 1921

Serial No.	
26	To the D. C. Hassan that the Manzarai Comm'r. No. 820 d. 12.12.23. States that Govt need not interfere in the Scheme suit filed before the Sub-Judge, but that in view of the large endowments & grants made to the Temple at Subrahmanya, the Mysore Govt should be represented on the Board of Management of the Scheme suit succeeds, and requests him to keep the matter in view and take timely action to give effect to the suggestions made by the Collector of South Canara in communication with that officer.

NOTE—Contn. sheet.

Muz 4]

SUBJECT ....

....

....

Diary No. of letter replied to 565

Section Muz

File No. 265-21.

Serial No. 21.

Muzrai Secretariat

( )

, *the* 192 .

No. 820 -

Date of issue 12-12-23

Signed by P. Ramaiya.

To

The Dy. Comr.

Hassan District,

Thro. The Muzrai Comr.

Sir,

Adverting to your D.O. No. 484-21/O.C. Dy the 6th Novr. 1923 enclosing a copy of the plaint filed in the Court of the Sub judge of S. Canara for the better management of Sri Subrahmanya temple

addressed to the Secretary Member of Council

over.

at Subrahmanya in South
Canara, I am directed to
state that Govt need not interfere as persons.
in the Scheme Suit that is
said to have been filed
before the Sub-judge.
~~That~~ So far as Govt are
concerned, all that is required
is that in view of the
large endowments and grants
made to this temple, Govt he
should be represented on
the Board of management
if the Scheme Suit succeed;
and ~~that~~ it is seen from
your letter that this has
been recognized and urged
by the Collector in his order
dy 9th April 1923 granting
sanction to file the Suit.
I am ~~accordingly~~
to request that you will
see so far as to ~~see~~

List of enclosures.

Copied by

Examined by

WD 0563—GPB—2,500—27-7-22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

~~that~~ how the matter is kept in view and ~~that~~ take timely action in ~~taken~~ to give effect to the suggestions of the Collector in communication with him.

I have etc.

V. 12.23. Rpr

DD) Rev. Secretary.

8 pr

2 dr

RL 5/12/23.

WD 2290—GPB—1,00,000—23-7-20